

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>-vs-</b>	)	<b>No. CR-23-237-SLP</b>
	)	
<b>JEFF WENG and</b>	)	
<b>TONG LIN,</b>	)	
	)	
<b>Defendants.</b>	)	

**MOTION FOR PROTECTIVE ORDER**

The United States respectfully requests that the Court enter a protective order concerning the disclosure of records seized during the defendants' arrests. Counsel for the government has contacted counsel for the defendants, Todd Henry and Ken Gallon. Counsel for the United States has spoken to counsel for defendants and they do not object to the requested protective order.

On June 6, 2023, a federal Grand Jury returned a one-count Indictment in case CR-23-237-SLP charging the defendants with conspiracy to distribute marijuana. Trial for the Defendants is currently set on this Court's September trial docket.

During the week of May 15, 2023, law enforcement executed approximately nine search warrants at marijuana grows located throughout Oklahoma. The search warrants stemmed from the investigation of Brandon Ye and his associates who would purchase illegal marijuana from grows and then ship bulk marijuana out of the state of Oklahoma. This resulted in the nearly 10,000 evidentiary photographs, many of which contain personal identifying information, such as photos of credit cards, driver's licenses, documents, and

financial records. In the interest of transparency and expedited discovery, the United States wishes to provide complete and unredacted discovery of those materials. An order from the Court requiring that the Defendants use this information only for defense counsel's case-related needs will address any concerns with releasing unredacted content from the cellular phones downloaded information.

Rule 16(d)(1) of the Federal Rules of Criminal Procedure provides for the type of protective order requested here. That section, entitled "Protective and Modifying Orders," provides: "At any time the court may, for good cause, deny, restrict, or defer discovery or inspection, or grant other appropriate relief." The government does not seek to restrict the defendants' access to discovery in this case. Instead, it seeks merely to limit the use of that discovery to its proper purpose in preparing for court proceedings.

This Court has discretion to issue the requested protective order. *See, e.g., United States v. Coiro*, 785 F. Supp. 326, 330 (E.D.N.Y. 1992) ("The decision whether or not to enter such a protective order is—as with all discovery orders of a court under Rule 16—a matter for the discretion of the district court" and "will only merit reversal if the substantial rights of the defendant have been prejudiced.") In this context, a protective order will not impair the defendants' rights to access this discovery.

For these reasons, the United States respectfully requests that the Court enter an order that any documents or files produced to the defense by the government related to the photographs of taken during the week of May 15, 2023, be disclosed only to the defendants, defense counsel, and the agents of defense counsel (including translators), except as necessary during court proceedings, interviews of potential witnesses, or in court filings

consistent with Rule 49.1 of the Federal Rules of Criminal Procedure. The United States would further ask that the named defendants be prohibited from reproducing and providing discovery to third parties, including through writing or orally relating the contents of the cellular phone to anyone, aside from the assigned defense counsel or the agents of the defense counsel.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that on August 1, 2023, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing for the following ECF registrants:

Todd Henry, counsel for Jeff Weng  
Ken Gallon, counsel for Tong Lin

s/ Wilson D. McGarry  
Assistant United States Attorney